

REMARKS

By this amendment the specification is amended to provide precise antecedent basis for the claim terminology; allowed claims 8 and 13 are rewritten in independent form as new claims 19 and 20; independent claims 1, 10 and 14 are amended to improve their definition of the invention and more clearly distinguish over the prior art; claim 2 is amended to define a further aspect of the invention; the remaining original claims are amended where necessary to correspond to the amendments to the independent claims; and new claims 21-27 are added to define further aspects of the invention.

Claim 1 stands rejected as anticipated by *Logas* and, alternatively, as obvious in view of *Sperry* and *Logas*.

Logas discloses a latch mechanism including a housing 14 positioned in the hollow of the door stile and carrying a first hook 18 positioned in a first upper opening in the lock face of the stile, a second housing 20 positioned in the hollow of the door stile and carrying a second hook 18a positioned in a second lower opening in the lock face of the stile, and a third housing 24 associated with a bracket 28 carried by the lock face of the stile. The hooks are moved in the same direction between latched and unlatched positions in response to insertion of a key into a tumbler mechanism carried by the housing 14 and the bolt 30 is simultaneously moved into and out of a latching position. The mechanism for moving the upper hook 18 between latched

and unlatched positions comprises a link 52 extending between the tumbler lock and the hook, the mechanism for moving the lower hook 18a between latched and unlatched positions comprises a link 22 interconnecting the upper hook with the lower hook, and the mechanism for moving the bolt 30 between latched and unlatched positions comprises a slide 120 extending between the bolt and the upper hook.

Sperry discloses a sliding closure latch for helicopter doors or the like including upper and lower brackets 72 fixedly positioned in the hollow of the door immediately behind the lock face of the door; upper and lower cam discs 66 pivotally mounted on the upper and lower brackets; upper and lower latch members 58 carried by the cam discs and extending through respective upper and lower openings in the lock face of the door; a handle assembly 82-84 mounted on the door intermediate the upper and lower latch members; and a linkage mechanism 90, 92, 94 interconnecting the handle assembly and the cam discs. Turning movement of the handle assembly results in inward and outward movement of the latch members for coaction with a suitable keeper structure 48 carried by an associated jamb face. Note that, in contrast to invention latch, *Sperry's* latches always extend out of the housing, the retracted position of *Sperry's* latches is the latched position and the extended position, of *Sperry's* latches is the unlatched position.

It is respectfully submitted that claim 1, especially as herein amended, defines patentably over *Logas* taken

alone or *Sperry* and *Logas* taken in hypothetical combination.

With respect to *Logas* taken alone, *Logas* fails to disclose a single unitary housing sized to fit in a single stile opening and mounting a pair of vertically spaced upper and lower hooks for pivotal movement between a retracted unlatched position within the hollow of the housing and an extended latched position extending out of the hollow of the housing through the housing front wall aperture means for latching coaction with the keeper structure. By contrast, *Logas* discloses a first housing 14 carrying a first hook 18 extending through an upper stile opening and, a second housing 20 carrying a second hook extending through a second, lower stile opening. Further, *Logas* fails to disclose actuator means including an actuator pivotally mounted in the housing intermediate the upper and lower hooks. Rather, the actuator means of *Logas* is positioned in the upper housing 14 above the upper hook 18.

With respect to *Sperry* and *Logas* taken in hypothetical combination, since *Sperry* does not disclose any separate housing for the latch mechanism but rather positions the entire mechanism within the hollow of the stile of the door and since *Loges* discloses a latch mechanism including a plurality of housings mounting separate upper and lower hooks extending through separate openings in the lock face of the stile, it is respectfully submitted that there is no reasonable way in which the references could be

hypothetically combined to provide a latch including a single housing sized to fit in the single stile opening and mounting a pair of vertically spaced upper and lower hooks for pivotal movement between latched and unlatched positions in combination with actuator means including an actuator pivotally mounted in the housing intermediate the upper and lower hooks.

Mounting the upper and lower hooks in a single unitary housing allows the latch to be installed in standard sliding door stiles simply by vertically enlarging the opening or mortise in the lock face of the stile, and further allows standard hole locations for the handle and stile to be maintained. The invention latch thus allows the same door and handle assemblies to be utilized in association with either a single point latch or a multi-point latch with the accommodation of the multi-point latch requiring only a simple vertical enlargement of the single mortise opening in the lock face of the stile. In *Logas*, by contrast, use of a single point latch in place of the disclosed multi-point latch would require a totally different door and handle assembly and similarly, the use of a single point latch in *Sperry* in place of the disclosed multi-point latch would require a totally different door and handle assembly.

Claim 2 has herein been amended to require adjuster means operative to individually adjust the position of each hook relative to the housing. This feature of individual

adjustment of each of the hooks is clearly not shown by the prior art.

Claim 3 adds to claim 1 the further requirement that the hooks pivot in opposite directions, a feature clearly not shown by either *Logas* or *Sperry*.

Claim 4 adds to claim 1 the requirement that the actuator means includes upper and lower actuators connected by a gang link, a construction that clearly defines over the lever 90 and links 92/94 of *Sperry*.

Claims 5 and 6 define further details of the specific hole locations whereby the same style and door assembly hole locations may be utilized with either a single point or double point latch.

Claim 9 defines further particulars of the actuator means not found in the prior art.

Claim 10 stands rejected as unpatentable over *Sperry* in view of *Logas*.

Claim 10 has herein been amended in a matter similar to the amendments to claim 2 and is considered to be allowable for the reasons advanced in the remarks directed to claim 1. Further, claim 10 adds to claim 1 the requirements that the actuator means include upper and lower actuators pivotally mounted in the housing in vertically spaced side by side relation between the upper and lower hooks and each including slot means accessible through one of the side walls of the housing for receipt of a tail member from the handle assembly, whereby turning movement of the tail member pivots the engaged actuator,

and a gang link connects the upper and lower actuators so that pivotal movement of one of the actuators generates corresponding pivotal movement of the other, unengaged actuator.

The Examiner has taken the position that the *Sperry* reference discloses actuator means comprising upper and lower actuators positioned in vertically spaced side by side relation in the housing, each pivotally mounted in the housing, and ganged together by a gang link so that pivotal movement of one actuator generates corresponding pivotal movement of the other actuator. It is respectfully submitted that there is no such disclosure in *Sperry*, but that rather, *Sperry* discloses a handle assembly 82/84 coacting with a lever 90 to move links 92/94 in response to turning movement of the handle assembly to thereby actuate the latch members 58 and specifically move the latch members between latched and unlatched positions.

In any event, *Sperry* clearly does not disclose the actuator construction now set forth in claim 10 and specifically does not disclose upper and lower actuators pivotally mounted in the housing in vertically spaced side by side relation between the upper and lower hooks and each including slot means proximate one of the housing sidewalls for driving receipt of a tail member from the handle assembly whereby turning movement of the tail member pivots the engaged actuator. With this arrangement, either the upper or lower actuator may be engaged by the tail member of the handle assembly. The separate but ganged together

upper and lower actuators allow the same latch to be used either in association with a door handle assembly employing a centrally mounted thumb turn/key cylinder or a handle assembly employed an off-set thumb turn/key cylinder arrangement, thereby further facilitating the use of either single point or multi-point latches in association with doors and handle assemblies having standard predetermined central or off-set mounting for the thumb-turn\key cylinder.

Claim 14 stands rejected as unpatentable over *Sperry* in view of *Logas* and further in view of *Rust*. Claim 14 has herein been amended in a manner similar to the amendments to claims 1 and 10, but, in contrast to claims 1 and 10, includes the handle assembly as a positively recited element in the claim. In rejecting claim 14 the Examiner has characterized *Rust* as disclosing a latch having a handle assembly including an escutcheon plate adapted to be mounted on the stile of the door, a handle 22 mounted on the escutcheon plate, a latch actuator device mounted on the escutcheon plate 12 and including a tail member 11 adapted to extend through an aperture in the stile for receipt by the actuator member, and upper and lower fastener members 23 extending through upper and lower holes in the escutcheon plate, through the stile, and through upper and lower holes in the housing sidewall. Based on this characterization of *Rust*, the Examiner has taken the position that it would have been obvious to utilize the handle assembly taught by *Rust* on the latch assembly of

Sperry in order to provide an assembly for a sliding glass door. It is respectfully submitted that *Rust* does not include an escutcheon plate but rather attaches his handle 22 directly to the stile of the sliding door, and further, that the latch actuator device of *Rust* is not mounted on an escutcheon plate but rather is mounted on the housing 8 secured to the inner face of the stile. In any event, *Rust* clearly does not disclose upper and lower fastener members extending through upper and lower holes in an escutcheon plate, through a stile, and through upper and lower holes in a housing containing a lock mechanism and, accordingly, any combination of *Rust* with *Sperry* and *Logas* would not include this construction. This specific construction further allows the same door and handle assembly, with the same holes in the stile of the door and the same holes in the escutcheon plate of the handle assembly, to be utilized in association with either a single point or a multi-point latch.

New claims 21-26 present applicant's invention in the context of a sliding door assembly including a door, a latch mechanism, and a handle assembly. New claim 21 includes the limitations of claim 1 and further includes the door and the handle assembly as positive recitals in the claim. Specifically, claim 21 requires a door including a stile including a lock face and means defining a single mortise opening in the lock face; requires a unitary housing sized to fit in the mortise opening in the lock face of the stile; requires vertically spaced upper

and lower hooks mounted in the housing for movement between retracted unlatched positions within the hollow of the housing and extended latched positions extending out of the hollow of the housing through aperture means in the front wall of the housing; requires an actuator mounted in the housing intermediate the upper and lower hooks; and requires a handle assembly including an escutcheon plate mounted on the stile of the door, a handle mounted on the escutcheon plate, and a latch actuator device mounted on the escutcheon plate and including a tail member extending through an aperture in the stile for driving receipt by drive means defined by the actuator proximate one of the housing sidewalls.

It is respectfully submitted that this sliding door assembly, in which the same door with the same stile holes and the same handle assembly with the same escutcheon plate holes may be utilized in association with either a single point or a multi-point latch, cannot be fairly replicated by any reasonable hypothetical combination of the prior art.

Claims 22-26 depend on claim 21 and add thereto further particulars of applicant's invention which are not shown by any reasonable hypothetical combination of prior art and which further define features of the invention latch which enable the same door and handle assembly to be utilized with either a single point or multi-point latch.


Claim 27 is dependent on claim 2 and adds thereto the requirement that the upper and lower hooks be pivotally

mounted on upper and lower pivotally adjustable arms. This specific arrangement, which allows individual adjustment of the hooks, is not shown by the prior art. Specifically, the hooks, of *Logas* are pivotally mounted on the associated housings and the latch members of *Sperry* are carried by cam discs pivotally mounted to the door structure.

Applicant has made a sincere and concerted attempt to amend the claims in a manner to distinguish over the prior art taken singly or in any reasonable hypothetical combination. If the Examiner feels that different claim terminology would better define the invention or better distinguish over the prior art, he is respectfully requested to call applicant's attorney at the number shown below.

Respectfully submitted,

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